

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

*In re:*

KRIS DANIEL ROGLIERI,

Debtor.

Chapter 11, Subchapter V  
Case No. 24-10157

**MOTION TO EXTEND TIME TO OBJECT TO DISCHARGE/DISCHARGEABILITY  
PURSUANT TO FEDERAL RULES OF BANKRUPTCY PROCEDURE  
4004(b) and 4007(c)**

Creditor and party in interest **B AND R ACQUISITION PARTNERS, LLC** (“**B&R**”), and **JHM LENDING VENTURES, LLC** (“**JHM**”), by its attorneys, Lippes Mathias LLP, hereby moves for an Order pursuant to Federal Rules of Bankruptcy Procedure (“**FRBP**”) 4004(b) and 4007(c) extending the time for B&R and JHM to file an objection to the discharge of the Debtor pursuant to 11 U.S.C. §727(c)(1) and/or the dischargeability of a debt pursuant to 11 U.S.C. §523(c) (the “**Motion**”). In support of the Motion, B&R and JHM respectfully submits as follows:

**JURISDICTION AND VENUE**

1. The Debtor filed this voluntary Chapter 11, Sub V bankruptcy petition on February 15, 2024.
2. The Court has jurisdiction over the Motion pursuant to 28 U.S.C. §1334. The within requested relief constitutes a core proceeding pursuant to 28 U.S.C. §157(b).

**FACTS**

3. The Debtor is the sole member of Prime Capital Ventures, LLC (“**Prime**”), among other entities.
4. On January 15, 2024, Hon. L. Priscilla Hall, retired Associate Justice, State of New York, Appellate Division, Second Judicial Department, rendered an arbitration award in JAMS Arbitration against Prime in favor of B&R and JHM in the amount of \$4,300,000.00. On February

8, 2024, Hon. Richard M. Platkin, Presiding Justice, State of New York, Supreme Court, Third Judicial District, Albany County, confirmed the award, as evidenced by that certain Order entered on February 12, 2024.

5. On April 23, 2024, the United States Trustee filed a motion to convert or dismiss the Debtor's bankruptcy case (ECF #119). A hearing on the motion is scheduled for May 15, 2024.

### **REQUESTED RELIEF**

6. The deadline for filing an objection to discharge/dischargeability is presently May 13, 2024. In this Motion, B&R and JHM seek an extension of the objection deadlines of 60 days from the existing deadline.

7. FRBP 4004(b)(1) provides “[o]n a motion of any party in interest, after notice and a hearing, the court may for cause extend the time to object to discharge. Except as provided in subdivision (b)(2), the motion shall be filed before the time has expired.”

8. FRBP 4007(c) provides that “[e]xcept as provided in subdivision (d) a complaint to determine the dischargeability of a debt under §523(c) shall be filed no later than 60 days after the first date set for the meeting of creditors under §341(a)...On motion of a party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision. The motion shall be filed before the time has expired.”

9. “Cause” for an extension is not defined in the Bankruptcy Code or FRBP. *In re Morris*, 2010 Bankr LEXIS 1875, at \*5 (Bankr NDNY 2010, No. 10-60113).

10. B&R and JHM seek the requested 60-day extension in order to consider the outcome of the US Trustee's motion before deciding whether to file objections. If the Debtor's case is dismissed, an objection to discharge/dischargeability will be moot. If the Debtor's case is converted, the deadlines for objections to discharge/dischargeability will be re-set, and B&R and

JHM will evaluate whether to file objections within the re-set deadlines. *See, FRBP 1019(2).* If the U.S. Trustee's motion is denied, B&R and JHM will determine whether to file objections within the extended deadlines sought in this Motion.

11. B&R and JHM respectfully submit that there is cause for the requested extension of the objection deadlines in light of the complexity of the circumstances surrounding this case, with which the Court is very familiar, and the existing uncertainty as to the outcome of the U.S. Trustee's motion. *See, Kerzner v Hirsch, 2000 US Dist LEXIS 167 (SDNY 2000)* (affirming bankruptcy court's finding of cause for granting extension of objection deadline in light of the complexity of the circumstances of the case and the lack of an opportunity for the parties to react to the recent conversion of the case to Chapter 7).

**WHEREFORE**, B&R and JHM respectfully request that this Court enter an Order pursuant to FRBP 4004(b) and 4007(c) extending the time for B&R and JHM to file an objection to the Debtor's discharge pursuant to 11 U.S.C. §727(c)(1) and/or the dischargeability of a debt pursuant to 11 U.S.C. §523(c) for additional 60-day period, from the present deadline of May 13, 2024 to July 12, 2024, together with such other and further relief as to this Court may seem just and proper.

Dated: May 13, 2024

**LIPPES MATHIAS LLP**

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